



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB 99,089)

In re Application of: )  
Mark O. Vogel ) Group Art Unit: 2731  
Serial No.: 09/318,460 ) ) Examiner: TBA  
Filed: May 25, 1999 ) )  
For: Method for Dynamic Performance )  
Optimizing in a Data-Over-Cable System )  
)

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**EIGHTH SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231-9999

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This Statement is not a



representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103, nor is this submission to be construed as a representation that a search has been made.

#### CITED REFERENCES

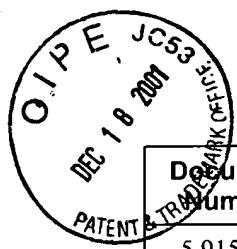
#### U.S. Patent Documents

Document Number	Date	Name	Class	Sub Class	Filing Date of App.
6,014,545	01-11-00	Wu et al.	455	3.1	03-27-97
6,157,965	12-05-00	Mohammed et al.	710	8	02-27-98
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Document Number	Date	Name	Class	Sub Class	Filing Date of App.
6,091,709	07-18-00	Harrison et al.	370	235	11-25-97
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6,185,624	02-06-01	Fijolek et al.	709	239	02-04-98



Respectfully submitted,

**McDonnell, Boehnen, Hulbert & Berghoff**

Date: 12/12/01

By: T.B.  
**Timothy Baumann**  
**Registration No. 40,502**



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TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

1. We are transmitting herewith the attached papers for the above-identified patent application:

- 1) Eighth Supplemental PTO-1449;
- 2) Eighth Supplemental Information Disclosure Statement;
- 3) 60 Cited References; and
- 4) Return Postcard

2. A check in the amount of \$0.00 is enclosed for the Filing Fee.

3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box DD, Washington, D.C. 20231 on this 12 day of December, 2001.

Date: 12/12/01

By:

  
Timothy R. Baumann  
Reg. No. 40,502